



COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: L. RICHARD MARTIN, JR.
Virginia Department of Social Services

FROM: ALLEN T. WILSON
Assistant Attorney General

DATE: July 8, 2003

SUBJECT: Proposed Repeal of Regulation 22 VAC 15-20-10 et seq.
General Procedures and Information for Licensure

I have reviewed the above-referenced regulation to determine if the Child Day Care Council ("Council") has the statutory authority to repeal it.

Virginia Code §§ 63.2-1734 and 63.2-1735 mandate that the Council promulgate regulations for the licensure and operation of child day centers. It appears that the Council has the authority to repeal the regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 21 (2002). This regulation merely sets out guiding principles and does not appear to contain any provisions required by state and federal law; therefore, this action is within the Council's authority. Furthermore, the State Board of Social Service has promulgated a regulation, 22 VAC 40-80-10 et seq., that establishes the General Procedures and Information for all programs and facilities licensed by the Department of Social Services.

If you have any questions, please feel free to call me at 786-3890.